

13157 PL-1  
Mrs. Wotherspoon

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-195883

**DATE:** March 17, 1980

**MATTER OF:** Technicon Instrument Corporation  
4/26

**DIGEST:**

Protest is dismissed where court of competent jurisdiction never expected or requested GAO decision and decided protest on merits.

Technicon Instrument Corporation (Technicon) protested that invitation for bids (IFB) No. 62-A-SEA-79, issued by the Department of Agriculture, contained unduly restrictive specifications. Technicon also sought injunctive and declaratory relief before the United States District Court for the District of Columbia in Technicon v. Bergland, Civil Action No. 79-2443. The same issue was before the court.

The court never expected or requested our opinion. On December 7, 1979, the court denied Technicon's requests for relief and entered judgment for the defendant on the merits. Where a protest has been decided on the merits by a court of competent jurisdiction without expecting or requesting our opinion, it is our policy to dismiss the protest. 4 C.F.R. § 20.10 (1979); Frontier Science Associates, Inc.--Reconsideration, B-192654, December 26, 1978, 78-2 CPD 433.

*Nancy R. Jones Chase*  
for Milton J. Socolar  
General Counsel

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[ALLEGATION That Specifications Were Restrictive]